

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

John S. Hendricks                                  Group Art Unit:        2424

Serial No.:    09/966,594                                  Examiner:        Sheleheda, James R.

Filed:    October 1, 2001

Confirmation No.: 5653

For:    SET TOP TERMINAL FOR ORGANIZING PROGRAM  
OPTIONS AVAILABLE IN TELEVISION DELIVERY  
SYSTEM

Attorney Docket No.: 007412.00393

**APPLICATION FOR PATENT TERM ADJUSTMENT**

Mail Stop Issue Fee  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition, under 37 C.F.R. § 1.705, for reconsideration of the patent term adjustment (PTA) specified in the Notice of Allowance mailed January 14, 2010. The remarks included in the following page(s) set forth reasons in support of this petition.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account 19-0733 in the appropriate amount. Any necessary extensions of time are hereby requested.

**REMARKS**

Pursuant to 37 C.F.R. § 1.705(b)(2),

- (i) the correct patent term adjustment is 1368 days (1229 days as indicated in the Notice of Allowance mailed January 14, 2010, plus an additional 139 days). The additional 139 days is attributable to a failure on the part of the United States Patent and Trademark Office to issue a patent within 3 years from the filing date of the application. 35 U.S.C. § 154(b)(1)(B); 37 C.F.R. § 1.702(b).
- (ii) the dates for which adjustment is sought covers the time period from June 15, 2006 to October 31, 2006 (139 days). These dates correspond to the day after the mailing of a non-final Office Action on June 14, 2006, and end the day before a Final Office Action was mailed on November 1, 2006. *See* 37 C.F.R. § 1.703(b).
- (iii) the patent is not subject to a terminal disclaimer.
- (iv) any applicant related delays have already been taken into consideration in terms of the PTA indicated in the Notice of Allowance. In other words, the 1229 days specified in the Notice of Allowance already includes a reduction of 62 days attributable to a failure on the part of the Applicants to engage in reasonable efforts to conclude processing or examination, as that phraseology is used in 37 C.F.R. § 1.704.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account 19-0733 in the appropriate amount.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: March 12, 2010

By: /Mark E. Wilinski/  
Mark E. Wilinski, Reg. No. 63,230  
1100 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001